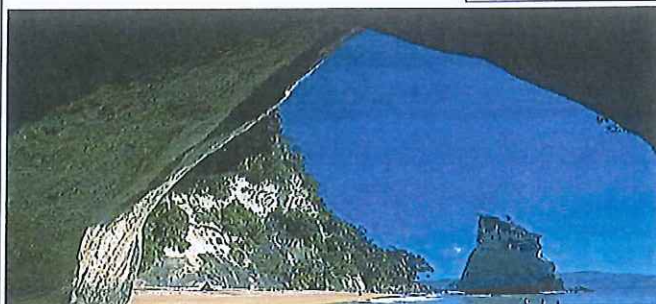


**HIYU**

Here Is Your Update



News for Community Representatives

**July 2013**

In this issue

**Welfare Reform Changes from 15 July 2013**

A number of significant changes involving the types of benefits and obligations beneficiaries must meet came into effect on 15 July 2013.

As part of the preparation for implementing the changes the Welfare Reform team has mailed out over 378,000 transitional letters, delivered 130,000 hours of training, 36,750 hours of IT testing and received over 6,600 calls to the dedicated Welfare Reform line.

Three new benefits have been introduced. These replace most of the previous main benefits:

- Jobseeker Support
- Sole Parent Support
- Supported Living Payment

The obligations people must meet vary depending on the benefit and the circumstances. Benefit payments remain the same.

The Work and Income website has detailed information about the changes.

<http://www.workandincome.govt.nz/individuals/benefit-changes/index.html>

- Welfare Reform
- Debts
- 2012 Statistical Report
- Signing off the Report of the BRC
- Shared Custody
- Correction Power
- Res Judicata
- New name and staff changes

The online Manuals and Procedures have also been updated:

<http://www.workandincome.govt.nz/manuals-and-procedures/income-support/main-benefits/index.htm>

**CONTACT REVIEW OF DECISION FOR MORE INFORMATION**

Contact these people for further information:  
Janet Davis 04 916 3079 Raj Menon 04 916 3648  
Uiti Pelenato 04 916 3857 Laisiana Qetaki 04 978 4167



MINISTRY OF  
SOCIAL DEVELOPMENT  
*Te Manatū Whakahiato Ora*

We have attached an overview on some of the key changes for your information:

- Absence from New Zealand
- Benefit Collapse
- Changes to obligations
- Social Obligations
- Warrants to Arrest
- 52 Week Reapplication

## Debts

Recently the Ministry has come under criticism from the Social Security Appeal Authority for the lack of detail and thorough explanation of debts. The Authority criticised the Ministry for:

- lack of detail of the period or periods to which the overpayment relates
- the type of benefit to which the overpayment relates
- the reasons for establishing the overpayment

What does this mean? Each debt needs to be thoroughly explained, what benefit the Applicant received, what date/s the overpayment covers and why there is an overpayment. Such as –

Unemployment Benefit overpayment of \$154.00 for the period 4 February 2013 – 10 February 2013. The Applicant earned \$300 gross that week. Income was declared on 18 February 2013. Overpayment created as follows:

CHARGEABLE INCOME \$300.00 pw

EXCESS INCOME \$220.00 pw (chargeable income \$300.00, less income exemption \$80.00)

INCOME ABATEMENT \$154.00 pw (70 cents for each dollar of excess income)

FULL RATE \$204.96 pw

DUE \$50.96 (full rate \$204.96, less income abatement \$154.00)

PAID \$204.96 pw

OVERPAID \$154.00 x 1 week

= \$154.00

If the reports to the BRC don't have explanation of the debt/s and how it occurred then you should refer it back to the BRC coordinator.

Your BRC reports should also work through the write off provisions of section 86(9) (A) of the Act.

## 2012 Statistical Report

The Ministry's Statistical Report contains statistical information about how people interact with the service lines of the Ministry of Social Development. The 2012 version is now live.

<http://statistical-report-2012.msd.govt.nz/>

## Signing off the Report of the BRC

Consider these things when writing up the findings

- do the findings address both the case for the Ministry and case for the Applicant?
- have the legal reasons for the decision been given?
- are there any recommendations and if so, have they been clearly explained?
- the law identified and applied to the facts of the case?
- relevant Ministerial Direction/Welfare Programme/Regulation included?
- Included all the facts of the case. Are they neutral and without opinion?

## Shared custody - third party involvement

Currently when there is a dispute relating to shared custody (section 70B) the parent who is not entitled to a benefit (usually DPB) because he or she is not considered by the Ministry to have the primary responsibility for the child, seeks a review of decision.

When a review of decision is sought the Ministry is required to produce its own evidence supporting its position that the applicant is not the principal caregiver [1].

Ideally this would mean providing evidence from the other parent by way of a statement or by including copies of parenting orders/agreements etc. Currently this has not been able to be the case due to privacy issues.

Attached is a copy of MAP on the decision guidelines for shared custody:

Natural justice principles require that an affected person has an opportunity to be heard. Where the dispute is regarding shared custody of children as stated by section 70B, is in dispute both parents are potentially affected, therefore both have a right to be informed and involved in any decision that may affect their own entitlement even if they were not the party who sought the review.

The BRC process remains unchanged in section 70B/shared custody cases. However it is recommended that the Ministry advise the other parent that a review of decision has been lodged which could affect their benefit entitlement. A letter should be sent to the other parent advising of the review of decision and inviting them to provide information to the BRC for consideration. For example to confirm that they have the primary responsibility of the child or if the responsibility is equal that they were the parent who was mainly responsible for the day to day care of the child prior to the separation.

If you have any questions contact the Review and Client Representative Team.

[1] Principal caregiver means the person who has the primary responsibility for the day to day care of the child other than on a temporary basis (not including institutions, incorporated bodies or CYF residences) – section 3, Social Security Act 1964

## Correction Power - reminder

Section 80AA of the Social Security Act 1964 gives the Chief Executive the ability to retrospectively pay a benefit where a client:

- did not make or complete an application for benefit at an earlier date, and
- the reason the client did not make or complete an application for benefit was due to an error or omission on the part of the Ministry.

However, the ability to make a decision about correction power has not been delegated below the Chief Executive.

This means a BRC may recommend that the correction power should be considered, but it does not have the authority to make a decision about the use of correction power itself.

Section 80AA (6) provides that decisions under section 80AA are decisions under Part 1 of the SSA:

"If the Minister delegates to the chief executive the exercise of the power to consent conferred by subsection (1), /its exercise by the chief executive (or a refusal by the chief executive to exercise it)/ is a decision under this Part for the purposes of section 12J."

Further, section 12J provides that "any applicant or beneficiary affected may appeal to the Appeal Authority against any decision or determination of the chief executive under Part 1 that has been confirmed or varied by a benefits review committee under section 10A,

or that was made by the chief executive other than pursuant to a delegation.”

The effect of this provision is to provide those affected by decisions of the CE with a direct right of appeal to the SSAA. Those affected by decisions of people acting under the delegation of the CE are those “acting pursuant to a delegation” and so have the right to request a review of the decision by the BRC.

This clearly provides the SSAA with the jurisdiction to consider any decision to exercise the consent to use, or not to exercise the consent to use, the Correction Power to backdate benefit, by the CE. \*The BRC does not have this jurisdiction.

A recent decision by the Social Security Appeal Authority described the jurisdiction in the following terms:

*“[20] Decisions under s 80AA must be made by the Chief Executive personally. In this case that has not occurred yet. As a result the Authority does not have jurisdiction to consider the backdating of the appellant’s benefit at this stage. The matter ought to have been referred to the Chief Executive before it came to the Authority.*

*[21] In the circumstances the appeal is adjourned for the Chief Executive to consider whether the provisions of s 80AA apply in this instance.*

<http://www.nzlii.org/nz/cases/NZSSAA/2013/30.html>

## Res Judicata and Benefits Review Committee Hearings

Some decisions may have already been decided in a District Court or are before the Court, and the applicant may be asking for that same decision to be considered by a BRC. Res judicata prevents a decision from being reviewed twice.

In this case, the BRC should seek legal submissions from both parties on the issue of jurisdiction and make a determination before considering the substantive matter. The parties may both be present at this jurisdiction hearing. If the BRC determines that it does not have jurisdiction, it should not go on to consider the substantive matter at a further hearing. Things to consider at a jurisdiction hearing:

- the period of overpayment put before the BRC is different to that put before the District Court. The BRC can look into the periods not already decided by the District Court
- the amount of the overpayment, if the amount was not reviewed by the District Court

The Social Security Appeal Authority which is the next step in the review process after the BRC considers the following when it decides whether a matter has been previously decided by a court:

- Are the parties the same
- The issues decided in the previous proceedings are the same as the issues to be decided by the Authority
- There is a sufficient co-extensiveness of proof between the court proceedings and the proceedings before the Authority
- There is no new material relevant to the correctness or incorrectness of the decision which could not by reasonable diligence have been adduced in the earlier proceedings

We have included links to some recent Social Security Appeal Authority decisions that maybe helpful:

<http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZSSAA/2013/13.html?query=prevented%20from%20relitigating%20a%20matter%20previously%20considered%20by%20a%20court>



<http://www.nzlii.org/nz/cases/NZSSAA/2012/6.html>

<http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZSSAA/2011/100.html?query=res%20judicata>

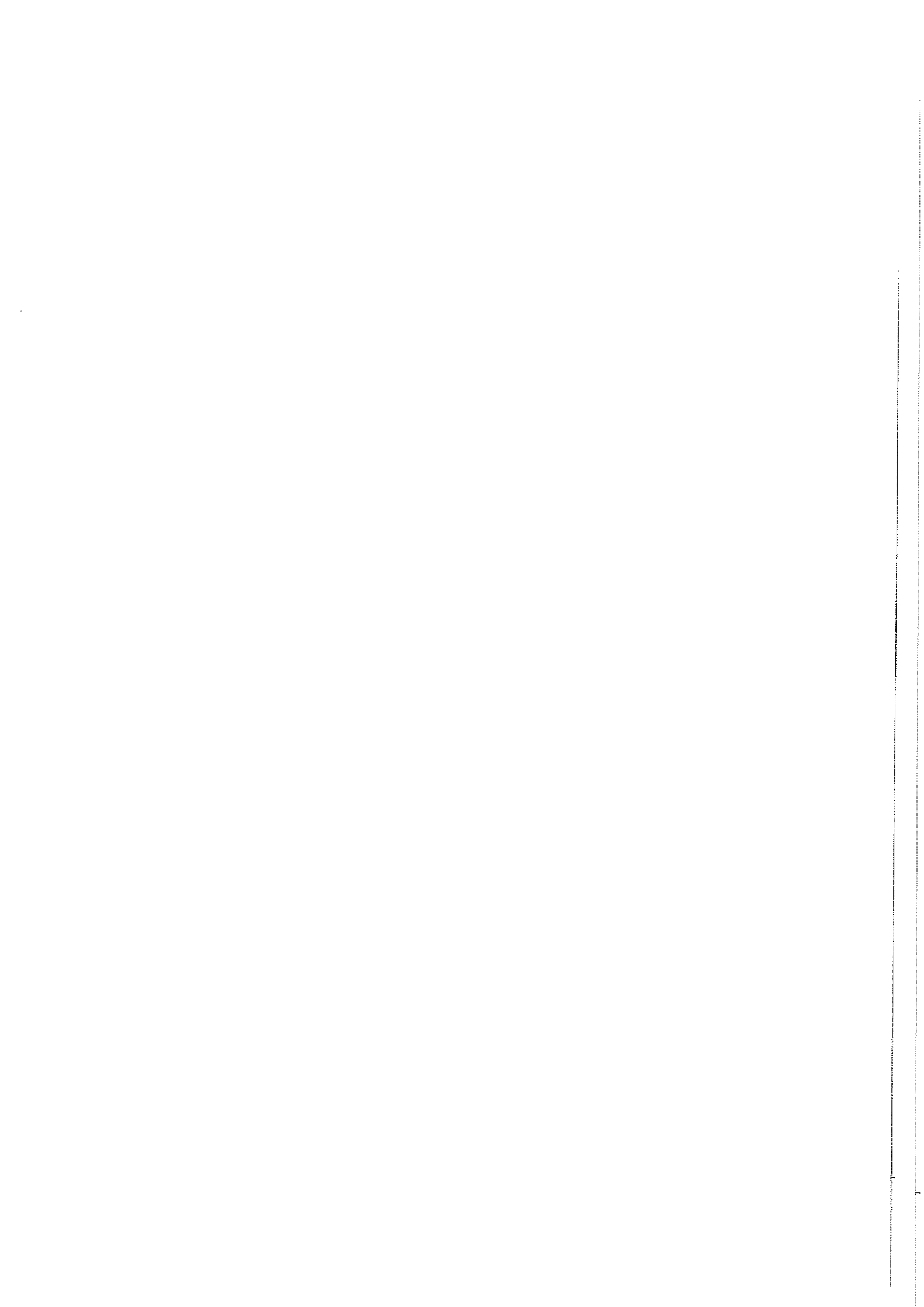
<http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZSSAA/2011/97.html?query=prevented%20from%20relitigating%20a%20matter%20previously%20considered%20by%20a%20court>

## **New Name and Staff changes for ROD team**

The ROD Team is now called the Review and Client Representative Team, the advisors are now Review and Client Representative Advisors.

The team has a new team member Raj Menon who joined us in June.

Nic Rhodes is currently on secondment for welfare reform.



# Absence from New Zealand

## What is an absence from NZ?

An absence from NZ for clients in receipt of financial assistance from Work and Income includes any period of time where a client travels overseas.

## What has changed?

- All clients must tell us about their overseas travel plans before they leave New Zealand even if they are still eligible for payments while overseas. **If they don't advise us of their travel plans, their benefit will stop from the day after they leave.**
- Clients can no longer be paid their benefit while traveling overseas for more than 28 days in a 52 week period, unless they have **additional travel** reasons which have been approved by a Service Centre Manager. This includes clients without work preparation activities assigned that can continue to be paid a benefit when they travel overseas for up to 28 days in a 52 week period for any reason.
- The following clients cannot continue to be paid a benefit while they travel overseas unless they have an **approved travel** reason:
  - Clients, who have work obligations, whether full-time or part-time
  - Clients with work preparation obligations who have specific activities assigned
  - Jobseeker Support clients, who have a health condition, injury or disability and have a deferral from their work obligations
  - Work obligated clients and clients receiving Emergency Benefit (EB)/Emergency Maintenance Allowance (EMA)
- Clients will have the ability to notify us of their overseas travel online through 'My account'.

## Approved travel

Approved travel is a circumstance where a case manager uses discretion to allow a benefit to be paid while a client is overseas, potential examples:

- Clients with essential travel - – this was previously known as humanitarian travel.
- Clients with a job interview or definite job prospect.
- Clients with work obligations or work preparation obligations who are already meeting these obligations by being in paid employment of enough hours to meet their obligations.
- Clients with active work preparation activities who are meeting their obligations and this travel does not interfere with this e.g. semester break.
- Supported Living Payment (SLP) clients, to receive vocational training or disability assistance-dog training not available in New Zealand for up to two years absence.
- SLP clients, to travel overseas for the sole or predominant purpose of competing in any overseas multinational or international Special Olympic or Paralympic Games competition for up to 42 days absence.
- To provide aid or assistance to a family member immediately following a natural disaster.

**Note:** Clients are still able to travel overseas and continue to be paid benefit for up to two years for medical treatment that is not available in NZ and is supported by the Ministry of Health.

### Additional travel

In some circumstances clients may be able to travel overseas for longer than 28 days in a 52 week period and continue to receive their benefit if they have additional travel reasons.

**Additional travel must be approved by a Service Centre Manager.**

### Counting the 52 week period

The 52 week period, in relation to 'Absence from NZ', means the 52 weeks immediately preceding the date of departure.

### Retrospective travel

Clients who do not tell Work and Income about their overseas travel before they go will have their benefit stopped from the day after they leave NZ. Clients can tell us retrospectively about their travel **while they are still overseas** and could still meet the criteria to receive benefit while overseas.

There is no discretion to pay benefit to clients for the time they were overseas if they don't tell us until after they return to NZ.

### Editing travel date and reasons

Once a client has made an online notification they cannot change the details. 'My account' will display instructions for the client to contact Work and Income.

When a client notifies Work and Income of a change in their overseas travel plans, any changes made must still meet the rules of approved and additional travel if required in determining whether the benefit can continue while the client is overseas.

### Resumptions

The rules around the date a client can have their benefit restarted when they return to NZ have not changed. Benefits can be resumed over the phone via the Contact Centre.

Clients with no work obligations or assigned work preparation activities who have been suspended for less than four weeks will have their benefit resumed automatically based on the Customs arrival data. There is no need for the client to make contact.

Clients who have been suspended for more than four weeks will need to make contact with Work and Income to have their benefit resumed.

Work obligated clients and clients receiving EB/EMA must make contact with Work and Income to have their benefits resumed when they return from overseas.



# Benefit Collapse

## What has changed?

The changes to Work and Income's benefit categories means far more than the simple merge of seven benefit types into three. Not only are we removing outdated and confusing benefit types, such as Domestic Purposes Benefit – Woman Alone (DPB-WA) and Widows Benefit (WB), we are modernising the language we use for our benefit system.

The benefit types available from 15 July 2013 are:

### Jobseeker Support (JS)

This new benefit type will include clients currently in receipt of:

- Unemployment Benefit related benefits
- Sickness Benefit related benefits
- DPB-WA
- WB (without children)
- Domestic Purposes Benefit –Sole Parent (SPB-SP) or WB (whose youngest dependent child excluding subsequent children is aged 14 or over)

### Sole Parent Support (SPS)

This new benefit type will include current clients in receipt of DPB-SP or WB whose youngest dependent child is aged 13 and under.

### Supported Living Payment (SLP)

This new benefit type will merge current Invalids Benefit with current Domestic Purposes Benefit – Care of Sick or Infirm clients.

## Jobseeker Support changes

### Commencement date rules

The 28 day retrospection rule will be applied to all JS applicants who are:

- sole parents, and/or
- are applying due to:
  - Having a health condition, injury or disability; or
  - Their partner being imprisoned; or
  - A bereavement; or
  - Separation from their partner

### JS rate of benefit

All clients migrating to JS who are currently in receipt of DPB-WA or WB (without children) will have their benefit rate grandparented to ensure that they are not financially disadvantaged by the changes. This benefit rate will be subject to annual general adjustments (AGA).

### JS dual income abatement

Both part-time and full-time income abatement rules will be maintained in JS from 15 July 2013.

- Full-time income abatement will apply to all single clients without children, and all couples with or without children
- Part-time income abatement will apply to all sole parents in receipt of JS, and all clients with a grandparented benefit rate in receipt of JS

- As per current practice, clients subject to part-time income abatement can choose to have their income charged weekly or annually

### **JS annual income assessments**

Clients in receipt of JS who have part-time income abatement, who have opted to, or have their income charged annually, will need to have their income reviewed annually. **JS in full-time employment**

Generally, a client must not be in full-time employment to qualify for JS. The exception to this rule is where a client is:

- Able to work full-time for a temporary period (of up to 26 weeks) provided their income, when assessed over 52 weeks, does not fully abate their benefit; and
- They are a sole parent (including a person with a dependent child whose partner is in prison); or
- A grandparented client (i.e. they had entitlement to DPB-WA or WB without children prior to 15 July 2013), or
- A client paid the sole parent rate under section 74A where their partner is unlawfully or temporarily resident in NZ.

Clients in these situations will be subject to certain obligations and will be required to take part in a review process.

For those already working full-time who migrate to JS on 15 July 2013, their 26 week period will begin once we have met with them to discuss these changes.

### **JS grandparenting study provision**

The grandparenting study provision is for two years and ends on the 19 July 2015, without any provision to continue beyond this date. Clients who meet the qualifications to this provision will be able to continue studying without it affecting their benefit entitlement, with an exemption from their work obligations.

### **Sole Parent Support changes**

#### **Relationship status verification**

SPS applicants, with the exception of those applying because of bereavement, will be asked to provide the name and contact details of a person who can confirm their relationship status. Some of these clients will be required to provide written verification from their nominated person to verify their relationship status.

#### **Automatic transfer to JS**

From 15 July 2013 SPS clients will generally be automatically transferred to JS when their youngest dependent child turns 14.

### **Supported Living Payment changes**

#### **Ending benefit rules**

The ending benefit rules have been aligned to allow a maximum extension period of up to 28 days when clients no longer have eligibility to their main benefit. This includes:

- When a sole parent's last or only dependent child leaves their care suddenly or dies
- When an SLP client's medical eligibility ends
- When SLP clients stop caring for their supported person due to the patient entering a hospital or residential care facility or dies

- When a caregiver in receipt of Orphans Benefit(OB)/Unsupported Childs Benefit (UCB) dies; or the child for which OB/UCB is being received for leaves care or dies.(No change from pre-15 July 2013 rules)
- When a client dies and is survived by a spouse, de facto partner of child. (No change from pre-15 July 2013 rules)

### **Work Bonus**

Work Bonus is a new targeted financial incentive payment that will be available for clients without work obligations in recognition of their entering full-time employment. It is a non-taxable, non-recoverable series of payments that can be paid to clients (or partners) on specific benefits to assist their transition into employment.

Eligible clients do not have to apply; this will be paid automatically when specific reason codes are used.

### **Relationship definition changes**

All new benefit applicants will be required to confirm their understanding of Work and Income's relationship definition. We will be required to check this at the client's benefit application appointment.

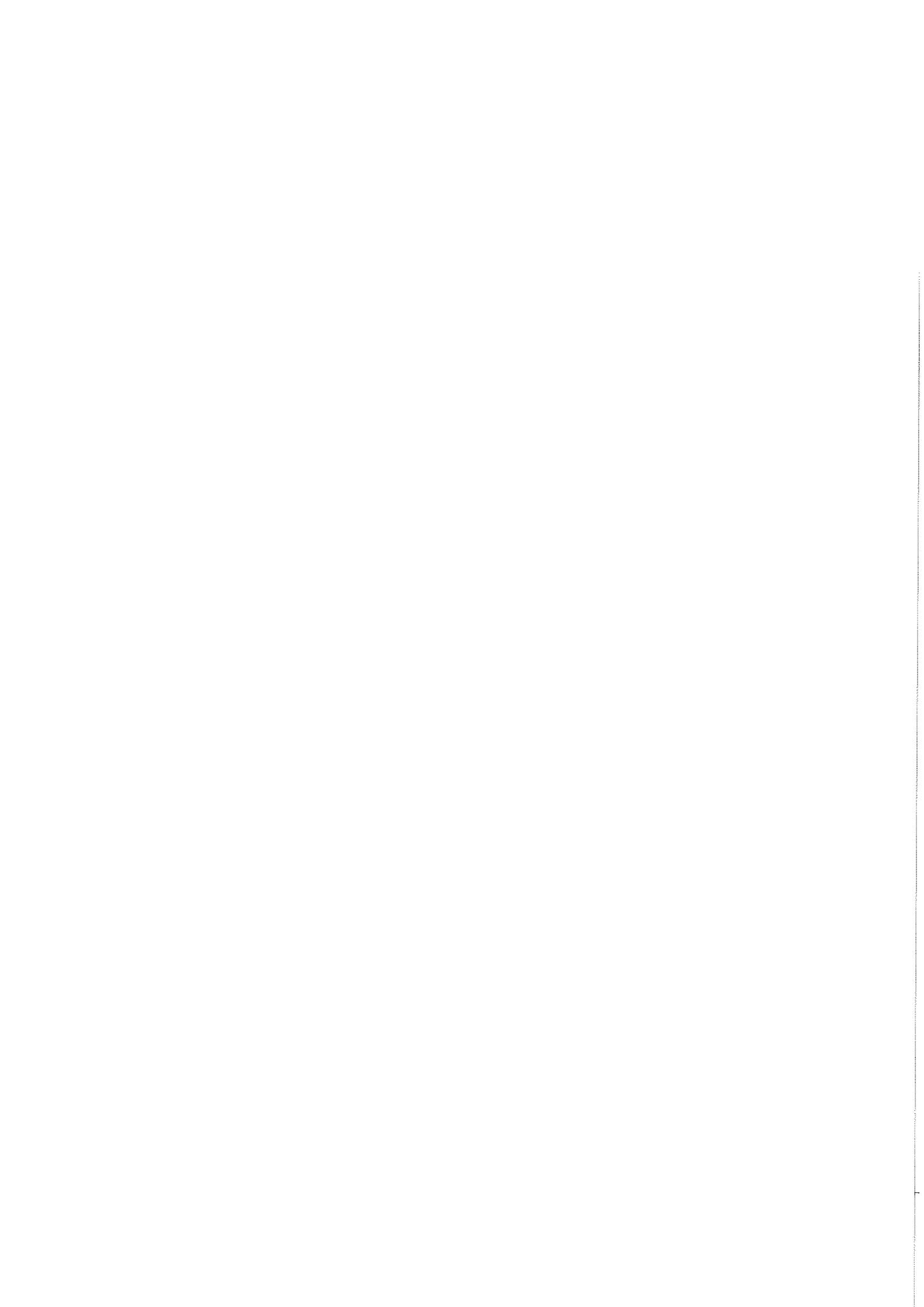
There has been no change to this definition however it has been written in a client-friendly way in both the online and new paper-based benefit application forms.

### **Transitional Applications**

When assessing a client's entitlement to benefit during the transitional period the following two rules will assist you to determine commencement date rules and which benefit type to register:

- The client's entitlement date will determine the commencement date rules we apply
- The assessed commencement date will determine the benefit type we register

We must accept pre-15 July application forms. When clients present with these we must not subject them to new benefit application activities, e.g. confirming their understanding of Work and Income's relationship definition.



# Changes to Obligations

## What has changed?

The changes to obligations are designed to increase the work focus of our benefit system and support clients to gain independence by finding or preparing for employment.

### The assignment of pre-benefit activities

From 15 July 2013 we will be actively applying pre-benefit activities to benefit applicants with work obligations, and potentially full-time work obligated partners of Jobseeker Support (JS) applicants. **Note:** there are no changes to the list of pre-benefit activities we may apply.

With the ability to apply pre-benefit activities to partners this will mean that should either the primary or partner client not complete their assigned activities within their 20 working day application period, there will be an effect on the benefit application. For example, when a primary JS applicant completes their pre-benefit activities within their 20 working day application period and their partner doesn't, we can grant the primary client JS at the half-married rate. In this situation we would then be able to include the partner in their benefit from the date the partner makes contact following the application period.

### Revoking pre-benefit activities

If a client's circumstances change during their benefit application process, it may result in it no longer being reasonable for them to undertake their assigned pre-benefit activities. We will have the ability to revoke these activities for the following reasons:

- Assigned in error
- Change in circumstances
- Literacy / numeracy difficulty
- Not required for benefit type

### Deferrals

Clients receiving Jobseeker Support may temporarily be unable to look for full-time work because they have a health condition, injury or disability. This may mean that they have part-time work or work preparation obligations applied when the medical certificate details are entered into their record.

### Exemptions

'Full' or 'partial' exemptions from all or some of a client's obligations may be applied when it is unreasonable to expect a client to meet their work obligations. **Refusing to accept an offer of suitable employment**

From 15 July 2013, where a client with full-time or part-time work obligations fails to accept an offer of suitable employment they will be subject to a 13 week non entitlement period (stand down).

### Transitional arrangements

- Pre-benefit activities will not be assigned to partners of primary benefit applicants when contact was made prior to 15 July 2013.
- If a client fails to accept a job they were referred to prior to 15 July 2013 a Job refusal failure cannot be initiated, however we may still consider an obligations failure in these situations.

- Clients who have failed their obligations and have a sanction imposed prior to 15 July 2013 will continue to be sanctioned following the benefit migration and will need to re-comply or provide a good and sufficient reason to have this removed.
- Clients who are exempt from their obligations prior to 15 July 2013 will continue to be exempt unless their exemption is being removed.
- Clients who were receiving a benefit while in full-time study when they migrate to JS will be able to continue with their studies for up to two years under the grandparenting full-time study provision.

# Social Obligations

## What are social obligations?

A client's social obligations require that their dependent children are:

- Enrolled with a general practice that's part of a Primary Health Organisation
- Enrolled in and attending one of the following from the age of three until they start school:
  - An approved early childhood education programme; or
  - Te Aho o Te Kura Pounamu – The Correspondence School; or
  - Another approved parenting and early childhood home education programme.
- Up to date with core Well Child/Tamariki Ora checks
- Enrolled in and attending school from the age of five or six

## Social obligations requirements and age of child

- Registered with a Primary Health Organisation or General Practitioner (**4 weeks to 18 years**)
- Enrolled and attending a licensed or approved early childhood education (**3 – 4 years**)
- Enrolled in and regularly attending school (**5 – 16 years, except where child is aged between five and six years and is enrolled in and attending recognised early childhood programmes**)
- Attending Well Child / Tamariki checks (**4 weeks - 4 years**)

## Who do social obligations apply to?

Social obligations apply to all clients with dependent children who are receiving a main benefit. Clients receiving Unsupported Childs Benefit or Orphans Benefit will also have social obligations for those children if they are also receiving a main benefit.

Social obligations will **not** apply to clients in receipt of:

- Young Parent Payment
- Young partners of a main beneficiary
- New Zealand Superannuation
- Veterans pension; and
- Non-beneficiary assistance

## Reasonable steps

Every family is different. It is important to acknowledge that there are situations outside a client's control that may impact on them not meeting their social obligations for a temporary period. All reasonable steps will apply **as long as they are 'working towards' meeting them.**





# Warrants to Arrest

## What is a Warrant to Arrest?

A Warrant to Arrest (WTA) is a document issued by the courts which authorises the arrest and detention of a person. While police do not actively pursue every individual who has a WTA, it does mean that the person can be arrested at any time.

The policy only covers warrants to arrest issued in a criminal proceeding.

Generally, we can't pay the client a benefit until they clear their WTA. The onus is on the client.

A WTA is issued in a range of circumstances, and can be relatively straightforward to clear. They are initiated and resolved by the Ministry of Justice (Justice) and actioned, where possible, by the Police. A client could have multiple WTAs at any given time.

## How are benefits affected?

Clients with a WTA are given a 10 working day notification period to clear it, otherwise their benefit will suspend. Clients with dependent children get 50% protection.

If the New Zealand Police considers a beneficiary with an arrest warrant is a risk to public safety, their benefit can be stopped or affected immediately, without telling them first. Partners are included and will have their benefit suspended if they have a WTA. If the primary has a WTA and their partner does not, the primary payment will be stopped and the partner can continue to receive their portion of the benefit and supplementary assistance.

## Reasonable Steps

Where a client is able to show that they are taking all reasonable steps to clear their WTA, but due to reasons outside their control they have been unable to the client can be given an extension to this notification period.

## Client wants to know how to clear a Warrant to Arrest

Direct the client to their nearest district court to make an unscheduled (voluntary) appearance. The client can present at any court, though it is best to go to the court that issued the WTA.

The client needs to go to the criminal counter and tell the court officer that they want to make a voluntary appearance. The court officer will be able to tell them more about the process. The client should try to arrive early otherwise they might not be able to be seen on that day.

## Evidence a client can provide when they have been to court

Clients will provide one of two forms of evidence at their service centre:

- 'Notice of bail' The court will give this to the client when their WTA has been cleared
- 'Notice of hearing to withdraw a warrant to arrest.' The court will give this to the client when the client has been to court but the WTA could not be cleared on the day

If the client's benefit has already been suspended or reduced, the client will need to bring either the 'Notice of bail' or the 'Notice of hearing' back to their service centre so that their benefit can be resumed. Since their benefit will not be backdated, they should do this as soon as possible. A 'Notice of hearing' must be brought to the service centre even if the benefit has not been suspended.

## Benefit resumptions

Once a benefit has been suspended, it cannot be resumed until the client either clears or challenges the WTA. The benefit will only be resumed from the date that they clear or challenge the warrant.

# 52 Week Reapplication

## What is a 52 week reapplication?

Jobseeker Support is a temporary benefit paid for up to 52 weeks while the client looks for work. If the client still requires Jobseeker Support after 52 weeks they must complete the 52 week reapplication process. The 52 week reapplication process has three parts:

1. Reapplication questions
2. Comprehensive Work Assessment (CWA)
3. An appointment with a case manager

## What has changed?

As a result of the benefit collapse, the 52 week reapplication will incorporate the Unemployment Benefit 52 week reapplication, the Sickness Benefit 12 month reassessment and the annual review for Domestic Purpose related benefits.

From 15 July 2013 the 52 week reapplication process will become paper-free and clients will have the ability to complete their reapplication and CWA online.

## Who has to complete a 52 week reapplication from 15 July 2013?

	All primary clients on Jobseeker Support	Partners including young partners	
		Full-time or part-time work obligations	Work preparation or no work obligations
Reapplication	✓	✓	✓
CWA	✓	✓	
Attend an appointment	✓	✓	

## Who is exempt?

The only clients who are exempt from the 52 week reapplication process are those who are in hospital care or in receipt of Residential Support Subsidy or Residential Care Subsidy at the time their notification to reapply letter is sent.

## Effect on benefit payments of not completing a reapplication

	All primary clients	Partners	
		Full-time or part-time work obligations	Work preparation or no work obligations
Effect on benefit of not completing the reapplication	Primary and partner portion of benefit stops	Primary and partner portion of benefit stops	Primary and partner portion of benefit stops
Effect on benefit of not completing the CWA	Primary and partner portion of benefit stops	If no good and sufficient reason, the partner has an obligation failure imposed on their portion of JS	N/A
Effect on benefit of not attending the reapplication appointment	Primary and partner portion of benefit stops	Primary and partner portion of benefit stops	N/A

## Exceptional circumstances for not reapplying before the expiry date

There are no changes to the exceptional circumstances criteria for a client not reapplying for JS before their expiry date or the guidelines on how they are applied.

If exceptional circumstances exist, the client should be re-granted under the same provisions they had immediately prior to cancellation – this includes reapplying any grandparented provision/s.

## Comprehensive work assessment

- The CWA is a compulsory part of the 52 week reapplication process. It helps find out why the client has not yet found work and what steps the client should take to get back to work
- When the client and their partner (if any) have completed their reapplication online, the CWA would have been completed online also. This is because the reapplication cannot be submitted without the CWA being completed too. The questions in the online questionnaire route the client to the questions that suit their circumstances
- The CWA responses are accessed in the same way as the reapplication through UCVII
- Clients who are unable to complete the reapplication and CWA online will have the CWA completed by a staff member during their 52 week reapplication appointment in CMS. This is done in the same way as we currently complete this

## Case Manager and client actions at the reapplication appointment

The client (and their partner (if any) who has work obligations) will be required to attend a reapplication appointment. They will need to:

- Complete their reapplication online before their appointment where possible.
- Provide any supporting evidence needed for their reapplication; and
- Provide a CV and have their 'RecruitMe' profile created, completed or updated by a case manager.

Additionally the case manager will ensure that the client:

- Is referred to appropriate activities like Employment Workshops, training, contracted services
- Has an up to date service plan which reflects any activities the client is participating in
- Provides evidence of their job search activities; and
- Is referred to suitable vacancies

## Obligations and privacy statement

### Reapplication completed online

Clients should be encouraged to complete the 52 week reapplication process online.

This process will involve the client will be asked if they consent to receiving email correspondence from Work and Income about their 'Obligations and Responsibilities' and the 'Privacy Statement' when they complete the reapplication online.

If the client does not consent, the case manager will be notified through the summary, and will need to get the client to sign printed copies of these documents.

### Reapplication not completed online

Clients who are unable to complete the 52 week reapplication process online will be taken through their reapplication questions and CWA with a case manager at their 52 week reapplication appointment.

Clients who have not completed their reapplication online will need to sign a printed copy of the Privacy Statement and Obligations.

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## Decision guidelines for shared custody

The parent with greater responsibility is usually the parent who has the child for most of the time. If a parent has the child for at least 60% of the time they have the primary responsibility.

Where parents have equal time, to help you decide which parent has greater responsibility, consider the following:

- who pays for the child's material support (furniture, clothes etc)
- who decides about the child's daily activities
- who takes them to and from school and supervises leisure activities
- who makes decisions about their education and health
- who pays for which expenses

If it is not clear who has greater responsibility or the parents share the responsibility equally, the parent who was **mainly** responsible for the day to day care of the child prior to the separation is the person who can receive Sole Parent Support.

If you can't decide who is entitled to Sole Parent Support, the parents must make the decision. Don't include the child in any income support until they have decided.

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